

BCB CHEYENNE LLC d/b/a BISON
BLOCKCHAIN, a Wyoming limited liability
company,

Plaintiff,

v.

MINEONE WYOMING DATA CENTER
LLC, a Delaware limited liability company;
MINEONE PARTNERS LLC, a Delaware
limited liability company; TERRA CRYPTO
INC., a Delaware corporation; BIT ORIGIN,
LTD, a Cayman Island Company;
SONICASH LLC, a Delaware limited
liability company; BITMAIN
TECHNOLOGIES HOLDING COMPANY, a
Cayman Island Company; BITMAIN
TECHNOLOGIES GEORGIA LIMITED, a
Georgia corporation; and JOHN DOES 1-20,
related persons and companies who control or
direct some or all of the named Defendants.

Defendants.

**MINEONE WYOMING DATA CENTER LLC, MINEONE PARTNERS LLC, AND
TERRA CRYPTO INC.'S JOINDER TO MOTIONS TO VACATE THE ORDER ON
INITIAL PRETRIAL CONFERENCE AND SET A NEW SCHEDULING
CONFERENCE FILED BY BITMAIN AND BIT ORIGIN/SONICHASH**

COME NOW Defendants MineOne Wyoming Data Center LLC, MineOne Partners LLC, and Terra Crypto Inc. (the “MineOne Defendants” and “Terra Crypto”), by and through counsel, HATHAWAY & KUNZ, LLP, and LOEB & LOEB LLC, and hereby submit their Joinder to Motions to Vacate the Order on Initial Pretrial Conference and Set a New Scheduling Conference Filed by Bitmain and Bit Origin/SonicHash.

1. On February 23, 2024, Bitmain Technologies Georgia Limited and Bit Origin, Ltd and SonicHash LLC both filed separate Motions to Vacate Order on Initial Pretrial Conference and Set a New Scheduling Conference. ECF No. 123, 125.
2. The MineOne Defendants and Terra Crypto advised they did not object to these Motions, but Plaintiff does object to them. *Id.*
3. The MineOne Defendants and Terra Crypto join all the points raised by the other Defendants but file this separate Joinder to address additional points.
4. At the outset of this case, the MineOne Defendants and Terra Crypto raised the issue regarding subject matter jurisdiction and the potential lack of diversity of citizenship. ECF No. 44 at 9 (“Defendants do not agree that this court has jurisdiction because there is not complete diversity. Several of defendant LLCs have members with Texas citizenship and Plaintiff revealed that it has a member with Texas citizenship as well.”).
5. This Court noted that it would permit jurisdictional discovery at the Initial Pretrial

Conference.

6. The MineOne Defendants and Terra Crypto have conducted some jurisdictional discovery through service of a subpoena duces tecum on January 15, 2024. ECF No. 105.
7. However, the documents provided in response to the subpoena duces tecum lend further credence to concerns regarding lack of diversity of citizenship. *See* ECF Nos. 110, 110-1, 110-2, 110-3, 110-4.
8. For example, despite claiming in his sworn affidavit that he has lived in Colorado (and not Texas) since March of 2020, Mr. Desrochers did not obtain a Colorado driver's license until September 29, 2023 (months after this lawsuit was filed), he used a Texas address for the filing of his federal tax returns in 2021-2022, he did not file any Colorado state income tax returns for the years 2021-2022, and he obtained a Texas Certificate of Title in 2021 for his vehicle using a Texas address. *See* ECF No. 42-1 at 11; ECF No. 110 at 3; ECF Nos. 110-1, 110-2, 110-3, 110-4.
9. As such, the MineOne Defendants and Terra Crypto have attempted to conduct further jurisdictional discovery within the timeline provided by this Court but have been unable to serve additional subpoenas for production of documents and for attendance at a deposition. *See* ECF No. 122 (noting that the process server attempted service but was informed that Mr. Desrochers was out of town for work; on the next attempt at service, the residents refused to answer the door and the blinds were closed; on another attempt at service, there was no answer at the door); **Exhibit A**, *March 5, 2024 Email from Private Investigator Tim Gosar* (noting two additional attempts at service with no response); **Exhibit B**, *March 15, 2024 Email from Front Range Legal Process Service*

(noting three additional attempts at service and attempts to call Mr. Desrochers with no response).

10. Plaintiff's counsel also represents the individual which the MineOne Defendants and Terra Crypto have attempted to serve with a subpoena, but counsel has refused to accept service of the subpoenas on his behalf and the individual appears to be evading service, as the MineOne Defendants and Terra Crypto have made numerous attempts to serve the individual at his purported address in Colorado, with no success.

11. Due to the delays in the ability to conduct discovery on the issue of diversity of citizenship, which is a threshold issue before the Court can exercise jurisdiction over this case, the MineOne Defendants and Terra Crypto request the Court vacate the current schedule and set the case for another scheduling conference.

12. Beyond the delays of Plaintiff in adding the Bitmain Defendants in this case and in allowing jurisdictional discovery to move forward, the breadth of work to be conducted in this case is incredible, which is not due to a lack of diligence in discovery. With tens of thousands of pages of documents exchanged, more than twenty fact depositions to be taken, as well as numerous expert depositions to be taken, the previous schedule was tight to begin with. All deadlines should be vacated and rescheduled to allow the parties to properly address the merits of the claims and defenses presented in this case.

WHEREFORE Wyoming Data Center LLC, MineOne Partners LLC, and Terra Crypto Inc. request this Court enter an order vacating the Order on Initial Pretrial Conference and set a new scheduling conference.

DATED this 15th day of March, 2024.

/s/ Sean Larson

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CERTIFICATE OF SERVICE

This is to certify that on the 15th day of March, 2024, a true and correct copy of the foregoing was served upon counsel as follows:

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